



ANNO UNDECIMO

# GEORGII V REGIS.

A.D. 1920.

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## *Private Act.*

An Act to provide for the Incorporation of Methodist Ladies College, at Wayville, in the State of South Australia, and to enable Way College to sell and transfer its lands, and for other purposes.

[Assented to, November 18th, 1920.]

**W**HEREAS by an Act known as "Way College Incorporation Act, 1899," it was enacted that the persons therein mentioned should be incorporated as and form one body politic and corporate by the name of "Way College," and by that name should have perpetual succession and a common seal, with power to acquire, accept, hold, and dispose of property, subject to the limitations imposed by the said Act, and to exercise all powers and functions of an incorporated body, and certain College Estate, described in the Schedule of lands set out in the said Act, was thereby vested in Way College for an estate in fee simple : And whereas Way College was open for some years after the passing of the said Act for the education of boys and young men, but for several years past the land of the said Way College, with the buildings thereon, has been used and occupied by Methodist Ladies College for the education of girls and young women, and Methodist Ladies College is desirous of purchasing from Way College the land mentioned in the first part of the Schedule hereunder written and all other the property of Way College : And whereas it is desirable to incorporate the said Methodist Ladies College and to provide for and regulate the management and affairs thereof, and to authorise Way College to sell and transfer, subject as hereinafter mentioned, to the said Methodist Ladies College the lands and other property now vested in Way College, and to declare the trusts of the property of the Methodist Ladies

Preamble.

*Methodist Ladies College Incorporation Act.—1920.*

Ladies College, and to confer on it various powers, privileges, and immunities, and the authority of an Act of Parliament is required in order to effect the purposes above mentioned, and to declare the trusts of the property of the said Methodist Ladies College, when incorporated, and to provide for and regulate the management and affairs thereof—

Be it therefore Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Division.

1. This Act shall be divided into four parts, as follows :—

PART I.—Introductory :

PART II.—Incorporation :

PART III.—Trusts :

PART IV.—Management.

**PART I.**

**PART I.**

**INTRODUCTORY.**

Short title.

2. This Act may be cited as the “ Methodist Ladies College Incorporation Act, 1920.”

Interpretation.

3. In this Act the extent and meaning of general words shall not be limited by the addition of particular words, and unless the context shall otherwise indicate, the following terms shall have the following meanings :—

“ College ” shall mean Methodist Ladies College at Wayville, in the State of South Australia, as incorporated by this Act :

“ Committee ” shall mean Committee of the College appointed annually by the South Australia Annual Conference of the Methodist Church of Australasia :

“ Property ” shall mean real and personal estate of all kinds :

“ College Estate ” shall mean the lands described in the first part of the Schedule hereto and such other land as the College may hereafter from time to time acquire and hold :

“ The Conference ” shall mean the South Australia Annual Conference of the Methodist Church of Australasia.

*Methodist Ladies College Incorporation Act.—1920.*

## PART II.

## PART II.

## INCORPORATION.

4. All persons who have heretofore voluntarily subscribed, or shall hereafter voluntarily subscribe to the funds of the College, shall be incorporated as and form one body politic and corporate by the name of "Methodist Ladies College," and by that name shall have perpetual succession and a common seal, with power to break, alter, or vary such seal, and to acquire, accept, hold, and dispose of property, and to exercise all the powers and functions of an incorporated body.

Incorporation of  
Subscribers.

5. No subscriber shall in any event incur any personal responsibility for the debts and liabilities of the College, but the property of the College shall alone be liable to satisfy the same.

Subscribers to incur  
no personal liability.

6. The College shall, for all the purposes of any Municipal Corporations Act, be deemed to be an academical institution which shall have obtained an Act of Incorporation.

Incorporation within  
meaning of Municipal  
Corporations Act.

7. Way College is hereby authorised to sell and transfer to Methodist Ladies College, which is authorised to purchase from it at a price or prices to be agreed between them, all those the lands and premises set out in the first part of the Schedule hereunder written, subject and without prejudice to any resulting trust, or any trust of any such lands in favor of the donor thereof, or any person or corporation other than Way College (if any), and to all mortgages, reservations, liens, encumbrances, and obligations affecting the same respectively, together with all other the property of Way College in and about Way College and Methodist Ladies College at Wayville aforesaid.

Authority to Way  
College to sell and  
transfer to Methodist  
Ladies College.

Upon the completion and registration in the Lands Titles Registration Office, at Adelaide, of a memorandum of transfer pursuant to the said sale, Methodist Ladies College shall be deemed and taken to indemnify and save harmless Way College from the payment of the principal interest and other moneys secured by the mortgages mentioned in the Schedule hereunder written, and from all other suits, claims, and demands for and in respect of the lands mentioned in the said Schedule, and all other the property of Way College.

## PART III.

## PART III.

## TRUSTS.

8. The College estate shall be held upon the following trusts, that is to say—

Trusts of College  
estate.

- I. The College shall maintain the buildings erected thereon, and any buildings which may be in future erected thereon, out of such funds as may be applicable to the purpose, but with power, nevertheless, to pull down or alter any existing or future buildings as the Committee may deem expedient :
- II. The

## PART III.

*Methodist Ladies College Incorporation Act.—1920.*

- II. The College shall permit the land and buildings to be used and occupied for the purposes of a college, or place of education and learning, and in connection therewith, and so far as the Committee may deem expedient for the benefit of the professors, masters, mistresses, teachers, officers, and students of the College.

## General funds.

9. All moneys which may be received by the College from or on account of any student, and all property of which any disposition may be made to or in favor of the College, or which may become applicable to the purposes thereof, without any special direction or limitation, shall be deemed portion of the general funds of the College.

## Special gifts.

10. All property of which any disposition shall be made to or in favor of the College, with any special direction or limitation, shall, if accepted by the College, so far as consistent with the provisions of this Act, be applied in accordance with such direction or limitation, and, subject thereto, shall be deemed portion of the general funds of the College, and no law of mortmain, or relating to the disposition of property for charitable purposes, shall extend to invalidate any disposition of property to or in favor of the College.

## Trusts of general funds.

11. The general funds of the College shall be applicable in such manner as the Committee shall deem expedient in carrying on and extending the business and operations, and promoting the interests and increasing the attractions of the College, and in payment and discharge of all working expenses, debts and liabilities of the College, particularly including mortgage debts, and the cost of building, maintaining, altering, rebuilding, improving, and enlarging buildings on the College estate, and particularly including any building for religious worship.

## Power to found or assist other institutions.

12. So long as the total amount of the debts remaining on the security of the College estate shall not exceed Five Thousand Pounds, any surplus of the general funds of the College remaining after payment and satisfaction, or making due provision for the payment and satisfaction of the working expenses, debts, and liabilities of the College for the current year, may be applied in such manner as the Committee shall think fit, in promoting the foundation of, or founding and establishing, or assisting any collegiate or educational institution, whether for males or females, and which in the management thereof shall not violate the fundamental principle of the College.

## College estate may be sold, leased, or mortgaged.

13. The Committee hereinafter mentioned may sell or lease all or any part of the College estate, and may mortgage the same, with or without power of sale, for the purpose of raising money for redeeming any mortgage to which the same may be subject, or for the purpose of raising money for building, but no mortgagee shall be concerned in any way as regards the purpose for which the money shall

*Methodist Ladies College Incorporation Act.—1920.*

## PART III.

shall be wanted or applied, and so far as regards the protection of mortgagees, the right to mortgage shall be deemed absolute and unqualified at all times.

14. The College may invest any portion of the general funds of the College which shall not be required for immediate expenditure in the purchase or mortgage of real estate in any Australian State, or in the Government securities of any Australian State or of the Commonwealth of Australia, and may manage, realise, and vary such investments as shall be thought desirable. Investment.

## PART IV.

## PART IV.

## MANAGEMENT.

15. The College shall be managed and governed by a committee who, subject to the express provisions hereof, shall have the sole management and government of the same, and of the business and affairs thereof, and may execute and exercise all trusts and powers in the name and on behalf of the College. Managed by a committee

16. The Committee shall be called "Committee of Methodist Ladies College," and shall consist of a Methodist minister, to be called President of Methodist Ladies College, a secretary, and also a treasurer, and an unlimited but equal number of laymen and Methodist ministers, and a number of ladies to be called ordinary members of committee. Constitution of Committee.

17. The whole Committee shall be appointed annually at the meeting of the Conference, but, except in cases of death, resignation, or removal, every member of Committee shall hold office until the next Committee shall be appointed, and until a new Committee shall be appointed the first Committee shall consist of the Rev. William Andrew Potts, President; Mr. Joseph Williams Gillingham, Secretary; Mr. James Gartrell, Treasurer; and the ordinary members whose names appear in the second part of the Schedule hereto, notwithstanding the numbers of laymen and ministers are unequal. Appointment of Committee.

18. The Committee shall annually, at the meeting of the Conference, present to the Conference a report of their proceedings for the past year and a balance-sheet, exhibiting the receipts and expenditure of the College for the same period, and the debts and liabilities of the College, so that the general and financial position of the College may plainly appear. Committee to report to Conference.

19. The Committee shall conform to and abide by all directions to be given by the Conference by resolution passed in general meeting with reference to the College, but no such resolution shall invalidate any prior act of the Committee, nor shall any such resolution be of any effect so far as it may be repugnant to this Act or to the fundamental principle of the College. Committee to abide by directions of Conference.

20. The

## PART IV.

*Methodist Ladies College Incorporation Act.—1920.*Vacancies in  
Committee.

**20.** The Committee may remove any member thereof in any case which they shall deem desirable, and any member of the Committee may resign, and in case of any vacancy occurring in the Committee by the death, resignation, or removal of any member, the Committee may supply the vacancy by the appointment of a layman, minister, or lady as the vacancy may require, but the person so appointed shall only hold office for the unexpired portion of the term of office of the person in whose place he or she shall be appointed, but it shall not be incumbent on the Committee to supply any such vacancy, nor shall the Committee suffer any disability by reason of any inequality occurring in the number of laymen and ministers who shall be ordinary members thereof. And all or any of the laymen or ladies named in second part of the Schedule may from time to time be reappointed members of the Committee, but so that the present excess in the Committee of the number of ministers over the number of laymen shall not be thereby increased, and so that as such ministers from time to time cease to be reappointed the number of laymen and ministers shall be equalised so far as possible.

Voting for appoint-  
ment of Committee.

**21.** In the appointment of the Committee by the Conference the same rules and practice with reference to voting shall be observed as for the time being shall regulate the proceedings of the Conference with reference to voting for the election of the officers thereof.

Quorum of  
Committee.

**22.** At every meeting of the Committee five shall form a quorum, and the president, if present and willing, shall take the chair.

## Sub-committee.

**23.** The Committee may appoint any sub-committee of any number of their members and may delegate all or any of their powers to any sub-committee, and fix the quorum thereof, and may cancel such appointment and delegation, and every sub-committee in exercise of their powers shall conform to such regulations as may be imposed by the Committee.

## Chairman.

**24.** At every meeting, whether of the Committee or of a sub-committee, the chairman shall have a deliberative as well as a casting vote, and every question shall be decided by a majority of the votes of persons voting thereon, and the decision shall be deemed the act of the Committee or sub-committee.

Validity of acts  
done.

**25.** All acts done at any meeting of the Committee, or of any sub-committee notwithstanding that it be afterwards discovered that there was some defect in the appointment of the Committee or sub-committee, or of some person acting thereon, or that such appointment was improper or illegal, shall be as valid as if the appointment in question had been duly, properly, and legally made.

## Minutes.

**26.** The Committee shall cause minutes to be kept of the proceedings at all meetings, whether of the Committee or any sub-committee, and also of all meetings of the Conference so far as the  
same

*Methodist Ladies College Incorporation Act.—1920.*

PART IV.

same relate to the College, and such minutes, if signed by any person or persons purporting to be the chairman of the meeting, or of any subsequent meeting, or three members of the Committee present at the meeting, shall be conclusive evidence of all matters therein stated, and that the meeting was duly convened and held, and the validity of the proceedings shall not be impeached on any ground not appearing on the face of the minutes themselves.

27. The seal of the College shall not be used except by the authority of the Committee, and all documents to which the seal shall be affixed shall be countersigned by the president and secretary or by three members of the Committee. Seal of College.

28. The Committee may make, repeal, and alter any statutes and rules not inconsistent with this Act for the regulation of their proceedings and the management of the business and affairs of the College, and for carrying this Act into effect. Statutes and rules.

29. All such statutes and rules shall be submitted to the meeting of the Conference held next after the making thereof, and such meeting of the Conference may by resolution disallow any such statutes and rules, or modify the same. Conference may disallow statutes and rules.

30. The fundamental principle of the College is that no instruction shall be imparted thereat which shall in any way contravene the doctrines of the Methodist Church, and nothing in this Act, or in any statute or rule, shall in any way violate this principle. Fundamental principle of College.

31. All powers hereby conferred, expressly or by implication, and whether on the College Committee, the Conference, or otherwise, may be exercised from time to time, and shall not be exhausted by the first exercise thereof. Exercise of powers.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. E. G. A. WEIGALL, Governor.

## 11° GEORGII V (PRIVATE ACT).

*Methodist Ladies College Incorporation Act.—1920.*

## SCHEDULE REFERRED TO.

## PART I.

## PROPERTY IN THE NAME OF WAY COLLEGE.

Those pieces of land situated in the hundred of Adelaide, county of Adelaide, being the allotments 3 and 8, each containing 1 rood and 4 perches or thereabouts, and 81, containing 33 perches or thereabouts, of the subdivision of sections 221 and 239, laid out as Goodwood, being all the land described in Certificate of Title Register Book, volume 816, folio 155.

(b) Those pieces of land situated in the hundred of Adelaide, county of Adelaide, being allotments Nos. 4, 5, 6, and 7, each containing 1 rood 4 perches or thereabouts, and 82, 83, and 85 each containing 33 perches or thereabouts, of portion of the sections 221 and 239, laid out as Goodwood, and being all the land described in Certificate of Title Register Book, volume 594, folio 15.

The above lands are subject to Memoranda of Mortgage, Nos. 399952, 495850, 532847A, and 659695 to the Savings Bank of South Australia, and to a Caveat No. 399953, lodged by the Registrar-General, to prevent any dealings with the said land contrary to the Way College Incorporation Act, 1899.

## PART II.

## ORDINARY MEMBERS OF COMMITTEE.

Revs. T. G. White, W. J. Mortimer, T. Piper, H. T. Burgess, LL.D., E. Gratton, O. Lake, I. Rooney, F.R.G.S., Professor Howchin, F.G.S., W. Jeffries, P. C. Thomas, C. H. Ingamells, W. H. Rofo, W. Reed, W. A. Langsford, W. H. Hanton, J. Watts, F. Bullock, W. Shaw, W. H. Cann, J. Blacket, H. Howard, V. Roberts, G. Hall, W. G. Clarke, C. H. Nield, S. Rossiter, D. B. Bridgwood, J. Pearce, A. H. Carne, H. Trewren, W. T. Shapley, A. R. Edgerley, E. J. Piper, F. Lade, M.A., W. H. Robinson, C. Doley, W. A. Dunn, J. H. Nield, G. T. Arthur, M.A., A. B. Lloyd, F. L. Rooney, and E. M. Ingamells, B.A., F.G.S.; the Hon. E. Lucas; Dr. R. Brummitt; Col. A. C. Catt; Messrs. J. H. Chinner, A. E. Clarkson, W. E. Collins, R. H. Cotton, A. S. H. Crouch, E. Davey, T. W. Davidson, W. Dawkins, L. DeGaris, S. W. Dickson, J. Drew, T. Drew, F. H. Griffiths, J. Hebbard, J. H. Hobbs, S. W. Jeffries, LL.B., A. Langsford, T. J. Matters, H. Matthews, M. M. Maughan, B.A., A. J. McBride, W. G. McKay, J. Mitchell, J. F. Palamountain, S. Perry, T. C. Reynolds, F. W. Richards, LL.D., J. P. Roberts, W. L. Rofo, W. T. Rofo, F. H. Snow, A. T. Sutton, H. Thomas, F. Walsh, and T. W. Wilkinson; Mesdames J. Ashton, T. Drew, J. Gartrell, A. H. Gault, J. W. Gillingham, A. Langsford, J. P. Roberts, E. G. Shorney, H. Thomas, and J. M. Uren; and Miss Colton.